

ESTTA Tracking number: **ESTTA495746**

Filing date: **09/21/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	iCloud Inc.
Granted to Date of previous extension	09/30/2012
Address	#566-533W Roulette Street Pembina, ND 58271 UNITED STATES
Correspondence information	iCloud Inc. #566-533W Roulette Street Pembina, ND 58271 UNITED STATES support@i-cloudinc.com, raj@i-cloudinc.com Phone:817-400-6403

Applicant Information

Application No	85335777	Publication date	04/03/2012
Opposition Filing Date	09/21/2012	Opposition Period Ends	09/30/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	Apple Inc. 1 Infinite Loop Cupertino, CA 95014 UNITED STATES		

Goods/Services Affected by Opposition


Class 016. All goods and services in the class are opposed, namely: printed publications, namely, books, periodicals, magazines, newsletters, brochures, booklets, pamphlets, manuals, journals, leaflets and user manuals, all in the fields of computing, computer hardware and software, and digital mobile electronic devices
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85362239	Application Date	07/01/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ICLOUD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2000/06/09 First Use In Commerce: 2000/06/30 Electronic exchange and transmission of medical records and communications between medical professionals, doctors, hospitals, medical patients and computers across a nationwide health information network
Related Proceedings	91205025, 91207092, 91207071, 91207100
Attachments	85362239#TMSN.jpeg (1 page)(bytes) Opposition_85335777.pdf (1 page)(617059 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/RAJ OUELLET/
Name	iCloud Inc.
Date	09/21/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. **85335777**

For the mark ICLOUD

Published in the Official Gazette on April 3, 2012.

iCloud Inc.

v.

Apple Inc.

NOTICE OF OPPOSITION

iCloud Inc., a company organized and existing under the laws of the State of Delaware with its head office located at:

#566-533W Roulette Street
Pembina, North Dakota 58271;

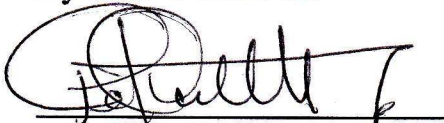
The above-identified opposer believes that it will be damaged by registration of the mark shown in Apple Inc.'s application and hereby opposes the same.

The grounds for opposing the same are based on:

1. Priority; Apple's cloud service was previously called MobileMe. October 12, 2011, Apple changed the name of their cloud service from MobileMe to ICLOUD. Opposer (iCloud Inc.) has been using the mark in commerce over the last decade with Applicant (Apple Inc.) infringing on the use of the mark.
2. Likelihood of confusion; Apple Inc. is offering ICLOUD which is recognized in the marketplace as a proprietary Apple Inc. service offering. As a result, consumers affiliate ICLOUD with Apple which has confused and mislead the public and resulted in unfair competition.

By RAJ OUELLET

Date: September 21, 2012

A handwritten signature in black ink, appearing to read 'Raj Ouellet', is written over a horizontal line.